

November 27, 2001

The Honorable John D. Ashcroft
Attorney General of the United States
U.S. Department of Justice
10th Street and Constitution Avenue, N.W.
Washington, DC 20510

Dear Mr. Attorney General:

I write to express my concern regarding yesterday's decision by U.S. Attorney Jeffrey Collins to request interviews of hundreds of Arab and Muslim men in the metropolitan Detroit area. Because of concerns that these interviews constitute illegal profiling and raise numerous additional constitutional issues, I request to meet with you personally, as soon as possible, to review this matter.

I have previously stated my concern that the Department's interview program is the product of racial and ethnic profiling of Arab-American and American Muslim communities. Though we may disagree on this issue, I fear that directives at the federal level that you may consider well-intentioned, have not been executed in a manner consistent with constitutional guarantees. For example, my constituents and others in the Detroit Metropolitan area have complained of intimidation by FBI agents seeking information from them at work and their places of worship. While the Justice Department insists it has no reason to believe that interviewees are in any way associated with terrorism, conducting questioning at places of employment has already resulted in embarrassment, suspicion, and in some cases, termination. I have also received complaints of agents intimidating individuals at mosques by insisting that they provide lists of worshipers. In many of these cases, the targeted individuals have reported that agents have been unreceptive to the suggestion that counsel be present for questioning.

As you are no doubt aware, local law enforcement officials have already noted objections to the program your office is seeking to implement. For example, Charles Wilson, the Chief of Police in Detroit has stated, "We're standing with the fundamental rights of individuals under the Constitution," and declared his officers would not "go out and treat people like criminals or even go out and find these people." In Portland, acting police chief Andrew Kirkland refused to participate because the interrogation program violated state law.

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As I have expressed to you before, targeting large numbers of Arab-American men for questioning without probable cause or even a scintilla of evidence amounts to the same kind of racial profiling that you have condemned in the past and sends a chill through the entire Arab-American and American Muslim community. It is important to send clear instructions to offices conducting the investigation to prevent overreaching and abuse in determination of who is to be interviewed and in the interview process itself. While it is my understanding that the letters sent out in the Detroit area indicate that the interviews are completely voluntary, I ask you to ensure that they remain so even after the stated December 4 deadline. I also ask you to take the necessary steps to ensure that interviews be limited to individuals you have strong indications may have relevant information, and that law enforcement officials respect the rights of those involved.

As a result of these concerns, in addition to meeting with you, I would like to receive copies of the following: (i) all memoranda, directives, reports, or other materials describing your program for targeting the 5,000 plus individuals for questioning; (ii) all memoranda, directives, reports or other materials sent to the U.S. Attorneys offices and state and local law enforcement agencies regarding this program and the questions to occur under it; (iii) any standard or form letters or other follow-up being issued by the U.S. Attorneys offices or state or local law enforcement agencies, and any reactions, responses, or input you may have received from these U.S. Attorneys or state or local law enforcement officials; and (iv) an itemization of any safeguards the Justice Department has put in place to insure that constitutional protections are respected with regard to the program. Finally, it is imperative that you let me know what the ramifications are of failing to comply with an interview request. It is difficult to consider the request "voluntary" if negative or adverse ramifications ensue from failure to comply.

Please contact me or my staff at 202-225-6504 so that we may discuss this critical matter and set up a meeting at your earliest convenience. Thank you.

Sincerely,

John Conyers, Jr.
Ranking Member

cc: The Honorable F. James Sensenbrenner
Mr. Jeffrey Collins
Mr. Dan Bryant